

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 11, 2003 Planning Commission Meeting

P.A.S.: Change of Zone #3406

PROPOSAL:

Change of zone from R-2 to O-3 including a Final Plan for a Planned Unit Development.

REQUESTED WAIVERS:

1. Minimum Lot Area in the R-2 District
2. Rear Yard Setback in the R-2 District.
3. Parking in the Front Yard and Side Yard in the O-3 District.
4. Parking Lot Screening.

PURPOSE: To expand parking to serve adjacent office buildings and preserve the existing homes.

LAND AREA: Approximately 4.11 acres.

CONCLUSION: The Planned Unit Development chapter of the Zoning Ordinance allows this very unique way to provide additional parking for the existing office buildings and still preserve the existing residential frontage along Cherrywood Dr.

RECOMMENDATION:

CZ #3406

Approval

Waivers:

Minimum Lot Area in the R-2 District

Approval

Rear Yard Setback in the R-2 District.

Approval

Parking in the Front Yard and Side Yard in the O-3 District.

Approval

Parking Lot Screening.

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

LOCATION: Approximately 81st and O Streets.

EXISTING ZONING: R-2 Residential, O-3 Office Park District

EXISTING LAND USE: Two Single-family Residences, and two Office Buildings

SURROUNDING LAND USE AND ZONING:

North:	Residential, Office	R-2, O,3
South:	Residential	R-2
East:	Commercial	B-2
West:	Residential	R-2

HISTORY:

March 22, 2001 - The City Council approved Use Permit #136 for a 51,122 square foot office building. Of the two office buildings in this PUD, this is for the building on the west.

May 18, 1998 - The City Council approved Use Permit #110 for a 41,250 sq. ft. office building, or the easternmost office building.

February 2, 1998- change of zone 3103, a text amendment to allow, under specific provisions, use permits in the O-3 district on less than 2 acres, was approved by the City Council.

September 29, 1997- change of zone #2972 from R-2 to O-3 was approved by the City Council.

May 8, 1979- the A-2 was converted to R-2 during the zoning update.

April 24, 1972- a request from A-2 to G-1 on lot 59 I.T. was denied by the Planning Commission and the application was withdrawn.

April 29, 1963- the area to the east was rezoned from A-2 to G-1.

COMPREHENSIVE PLAN SPECIFICATIONS:

Single family homes, in particular, add opportunities for owner-occupants in older neighborhoods and should be preserved. The rich stock of existing, smaller homes found throughout established areas, provide an essential opportunity for many first-time home buyers. (F-72)

UTILITIES: This site can be served by all utilities.

TRAFFIC ANALYSIS: This site has access to a full median opening onto O street at Russwood Drive.

ANALYSIS:

1. The requirement for a preliminary plan for a Planned Unit Development (PUD) was waived by the Planning Director on May 13, 2003 pursuant to LMC Section 27.60.030(b) which states:

The Planning Director is authorized to approve a waiver of the preliminary plan provided the proposal is found to meet the following criteria:

- (1) The proposal is in substantial conformance to the comprehensive plan;
- (1) The existing or planned utilities and streets are adequate to serve the proposed development;
- (2) The proposal is in substantial conformance with the adopted design standards of the City of Lincoln.

In addition to finding that the proposal meets the above criteria, the Planning Director shall consider the following in reviewing a request for a waiver of the preliminary plan:

- (4) The size and phasing of the project;
- (5) The impact of the proposal on the surrounding neighborhood;
- (6) The degree of deviation from the allowed uses in the underlying zoning districts.

Upon review of the application, Staff found the proposal in conformance with the zoning ordinance and the preliminary plan was waived.

2. The applicant owns the two office buildings and has contract to purchase the two single family homes. The existing parking meets the zoning ordinance requirements. He is seeking increased parking to serve the current office tenants who requested more parking spaces due to the higher than usual employees per floor area.
3. This request will provide 45 additional parking spaces to serve the office buildings on the site. The waivers to allow parking in the front and side yards in the O-3 district are consistent with the approval of the use permits. The new lot configuration will also require waivers to the rear yard setback and minimum lot area in the R-2 district. A

waiver to screening is also requested, as the screening shown is located in the residential lots and not on the lot where the parking lot is located.

4. The minimum lot area in the R-2 District is 6,000 sq.ft. for unattached single family lots. Lot 4 and 5 will have lot areas of 5,027 and 5,033 respectively. If the houses were joined together they would be considered a two family dwelling and then the minimum lot area per family is 5,000 sq. ft.
5. The minimum rear yard is 30' or 20% of the lot depth which ever is smaller. Lot 4 will have an average lot depth of 111' requiring a standard 22.2 ' rear yard. The plan provides 13.99' at the shortest point. Lot 5 will have an average lot depth of 119.5' requiring a standard 23.9' rear yard. The plan provides 7.93' at the shortest point. However the lots are "pie shaped" and additional yard is provided in the longer side yard dimension of the lots. Due to the short distance from the homes to the rear lot lines the landscape screen must be substantial and exceed the standards. The fence must be 6' in height, completely opaque, durable, and decorative and the planting screen shall include shrubs and ornamental and evergreen trees on the home side and additional shade trees in the parking lot.
6. The applicant is purchasing the two single family lots. It is not clear as to his intension to rent them or sell them after subdivision. The preference would be to sell them so they would be owner occupied to be in keeping with the neighborhood.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

- 1.1.1 Dimensions of the parking lot, distance between the homes and the new lot lines.
- 1.1.2 Label the plants and provide a plant list on the landscape plan. The plan should show at least three shade trees in the parking lot. A landscape plan that includes a 6' in height, completely opaque, durable and decorative fence (the typical stockade fence is not acceptable) and the

planting screen shall include shrubs and ornamental and evergreen trees on the home side and street trees along "O" Street and Cherrywood Dr.

1.1.3 A grading and drainage plan approved by the Public Works & Utilities Department.

1.2 Provide a metes and bounds description of the area proposed to be rezoned from R-2 to O-3.

2. This approval permits two office buildings, two single family dwellings, and a parking lot on a portion of the R-2 zoned land and waivers to the front yard along "O" Street, Minimum Lot Area in the R-2 District, Rear Yard Setback in the R-2 District, Parking in the Side Yard in the O-3 District, Parking Lot Screening to allow the screen on the abutting residential lots and a revision to the Zoning map from R-2 to O-3 (as per the metes and bounds description).

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised and reproducible final plan plus 5 copies of the entire development including the site plan, grading & drainage plan and landscape plan and the plans are acceptable

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

4.1 Before occupying the parking lot all development and construction shall have been completed in compliance with the approved plans.

4.2 All privately-owned improvements shall be permanently maintained by the owner.

4.3 The accompanying site plan shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

- 4.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The City Clerk shall file a copy of the ordinance approving the planned unit development and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
- 5. The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this ordinance.

Prepared by:

Ray F. Hill
Land Development Manager

May 30, 2003

Applicant/

Owner: Jerry and Janet Joyce, Limited Partnership-Lots 59, 60,& 61 I.T.
8101 O Street Suite 100
Lincoln, NE 68510
(402) 489-3387

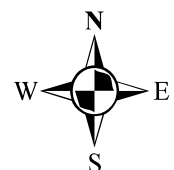
Kellie Lynn Wozny-Lot 4

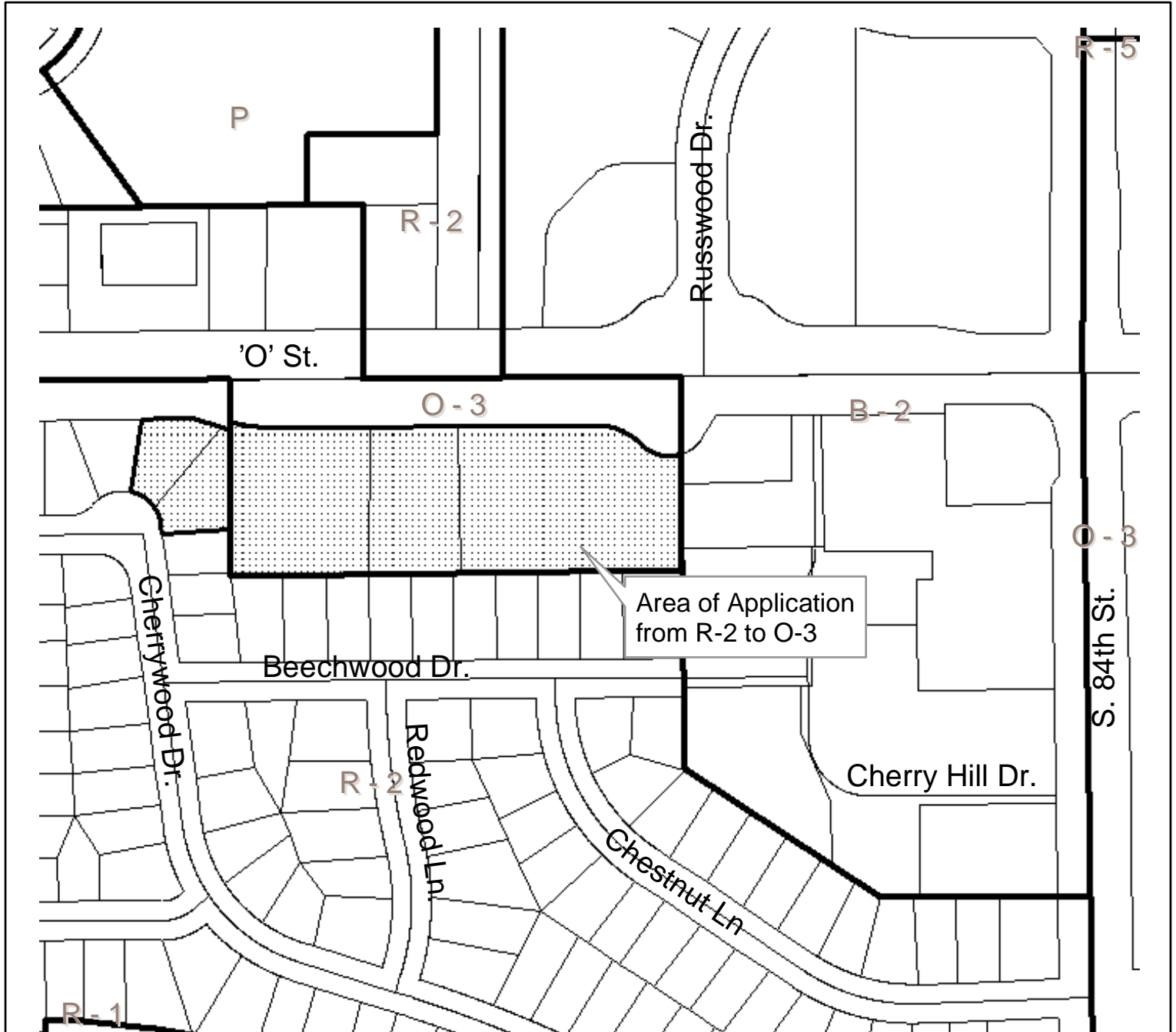
Julie Goslin and Bruce J Kreikemeier-Lot 5

Contact: Mark Hunzeker
1045 Lincoln Mall Suite 200
Lincoln, NE 68508
(402) 476-7621



Change of Zone #3406 **Legacy Square Office Center PUD** **80th & 'O' St.**



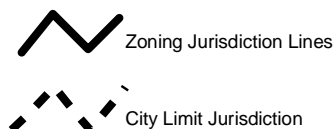
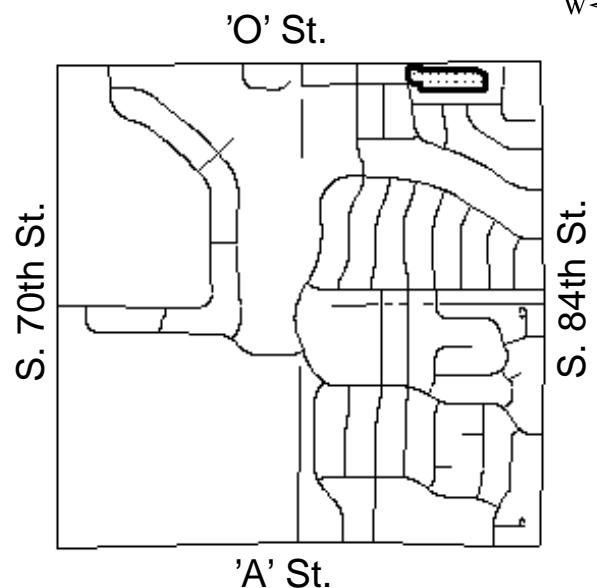


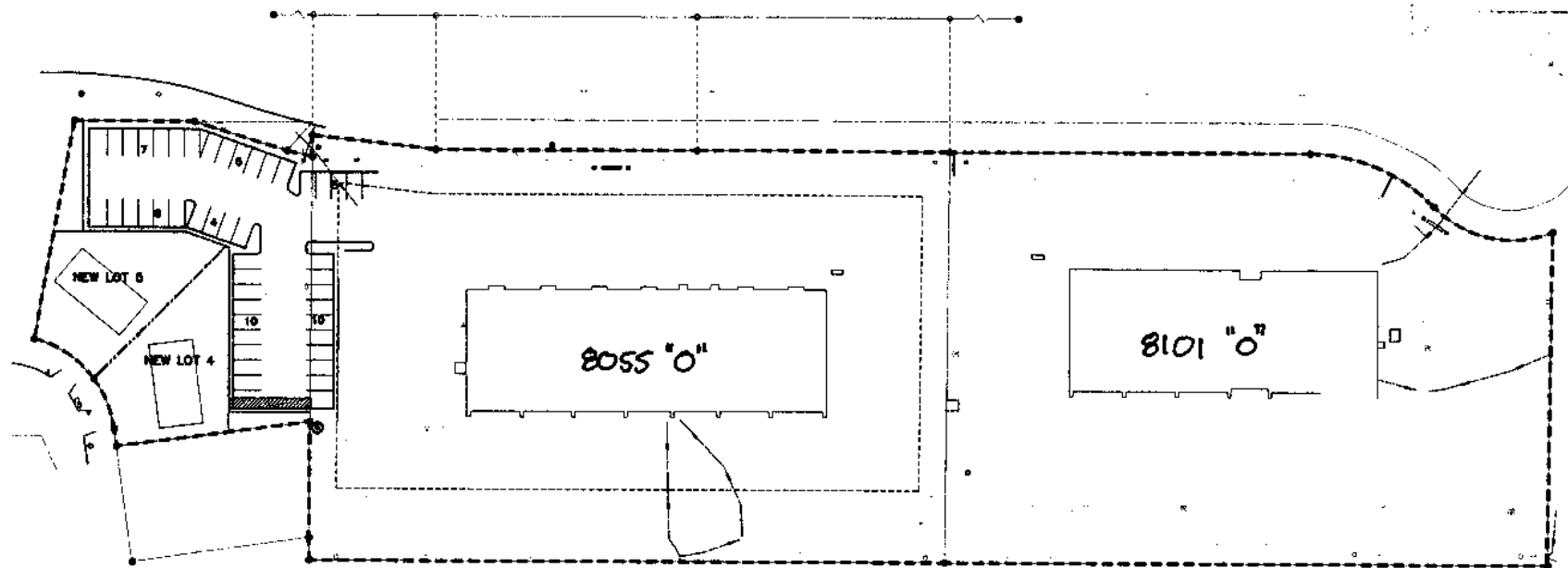
Change of Zone #3406 **Legacy Square Office Center PUD** **80th & 'O' St.**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 27 T10N R7E

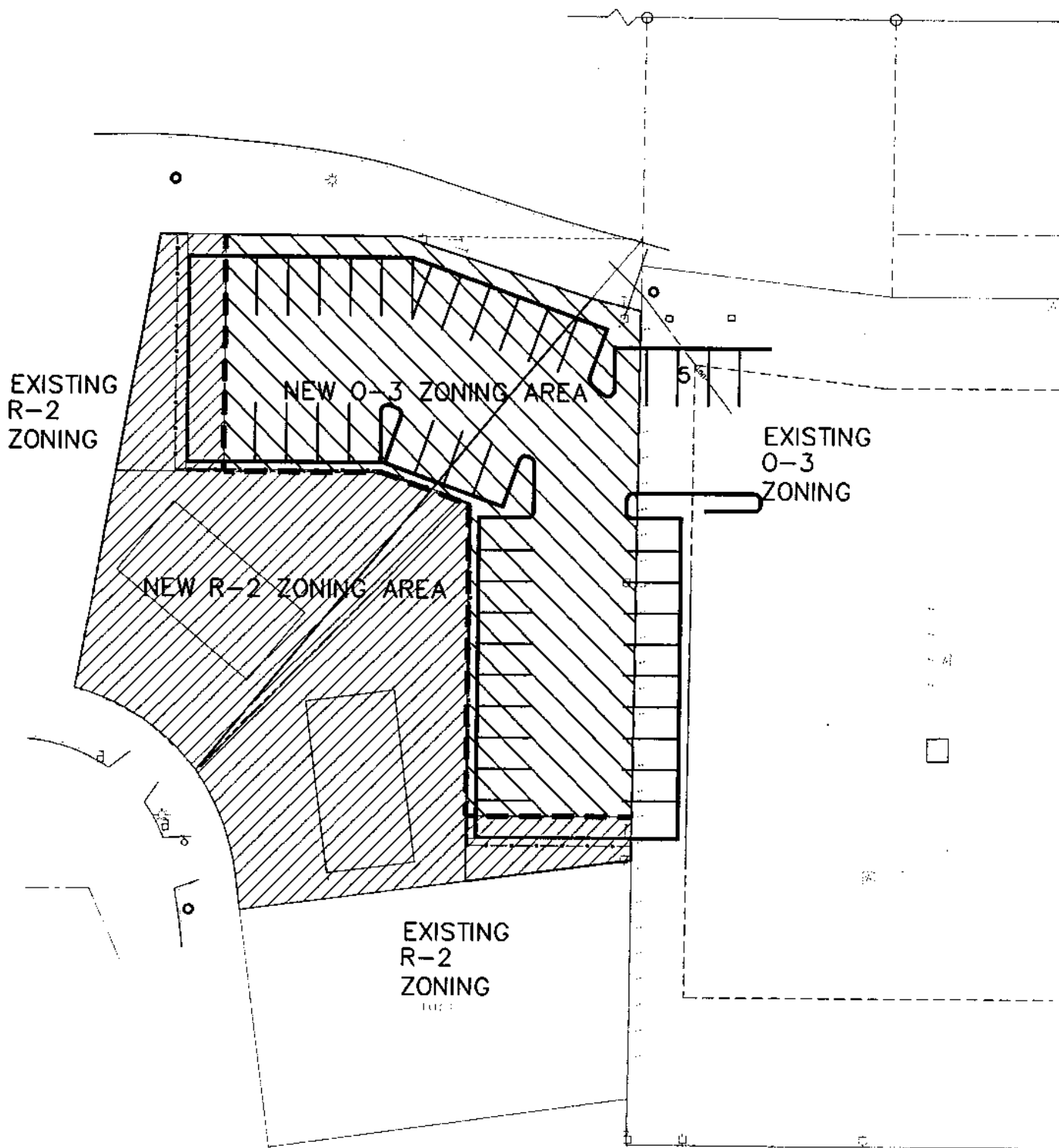




APR - 7 2003
PLANNING UNIT DISTRICT
PLAN

NORTH

PROPOSED LIMITS OF NEW P.U.D.

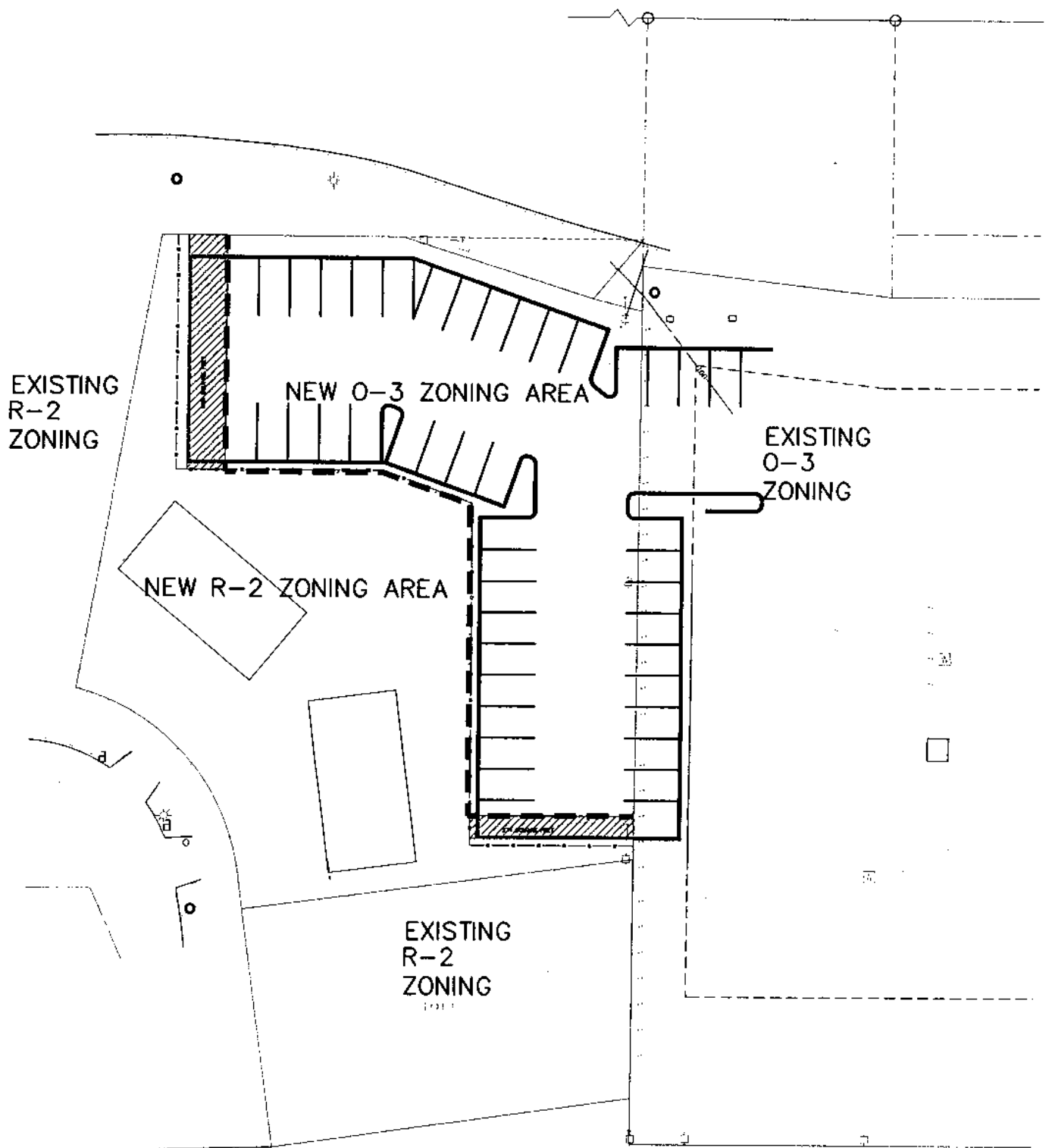


DRAWING SHOWING PROPOSED NEW ZONING DISTRICT LINE

APR - 7 2003

PL



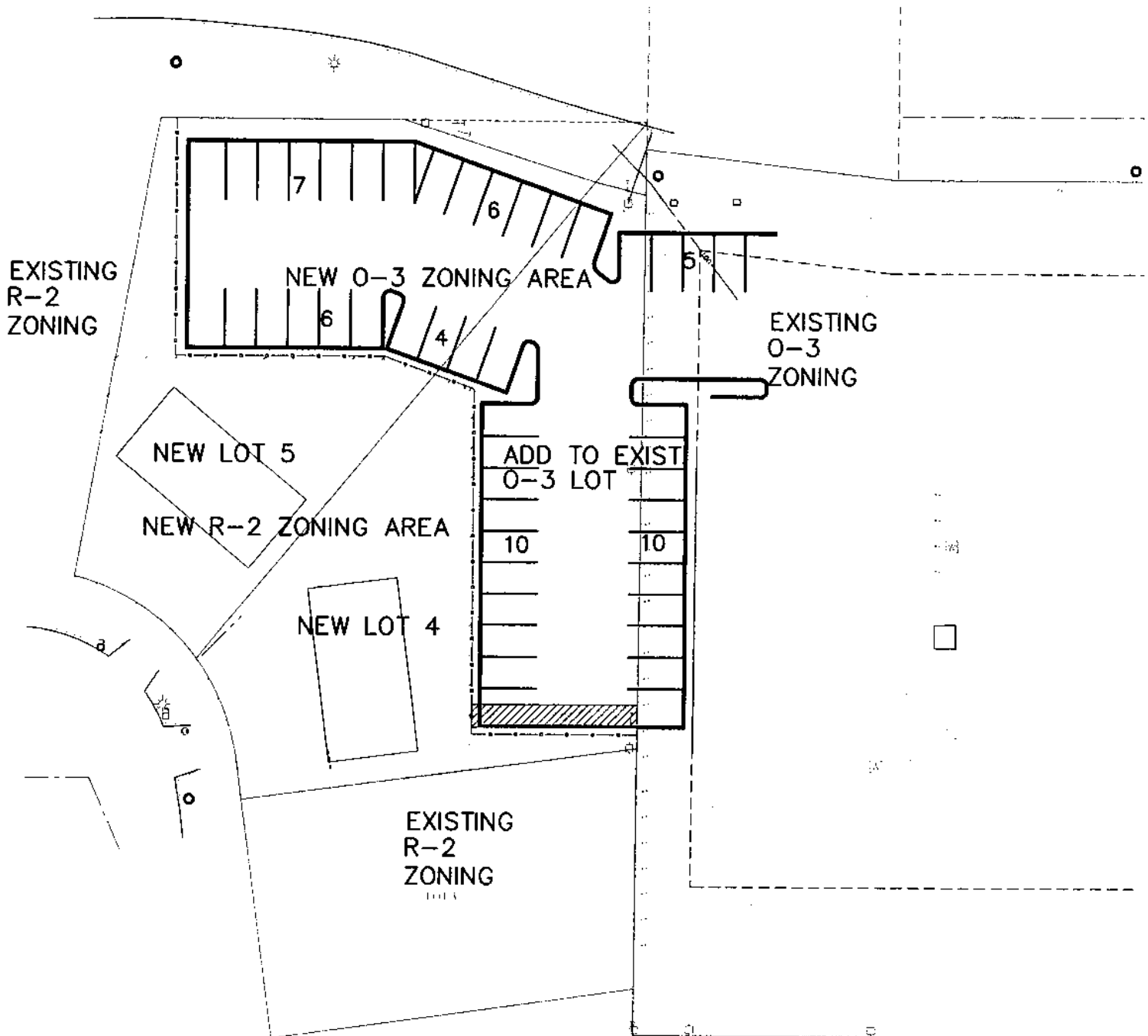


DRAWING SHOWING PROPOSED NEW AREA OF R-2 ZONING
 USED FOR PARKING, 274 SF + 668 SF = 942 SQUARE FEET (942 LESS THAN 1200)

APR - 7 2003

CHICAGO WATER SEWER COM.
 PLANNING DEPARTMENT





DRAWING SHOWING PROPOSED NEW RESIDENTIAL PROPERTY LINES

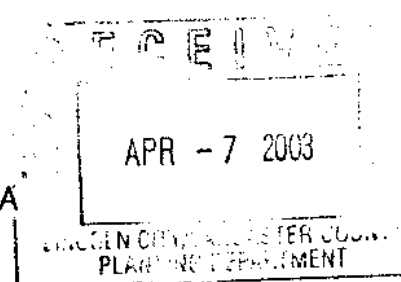
NEED A WAIVER OF MINIMUM LOT SIZE, NOT DENSITY CALCULATION

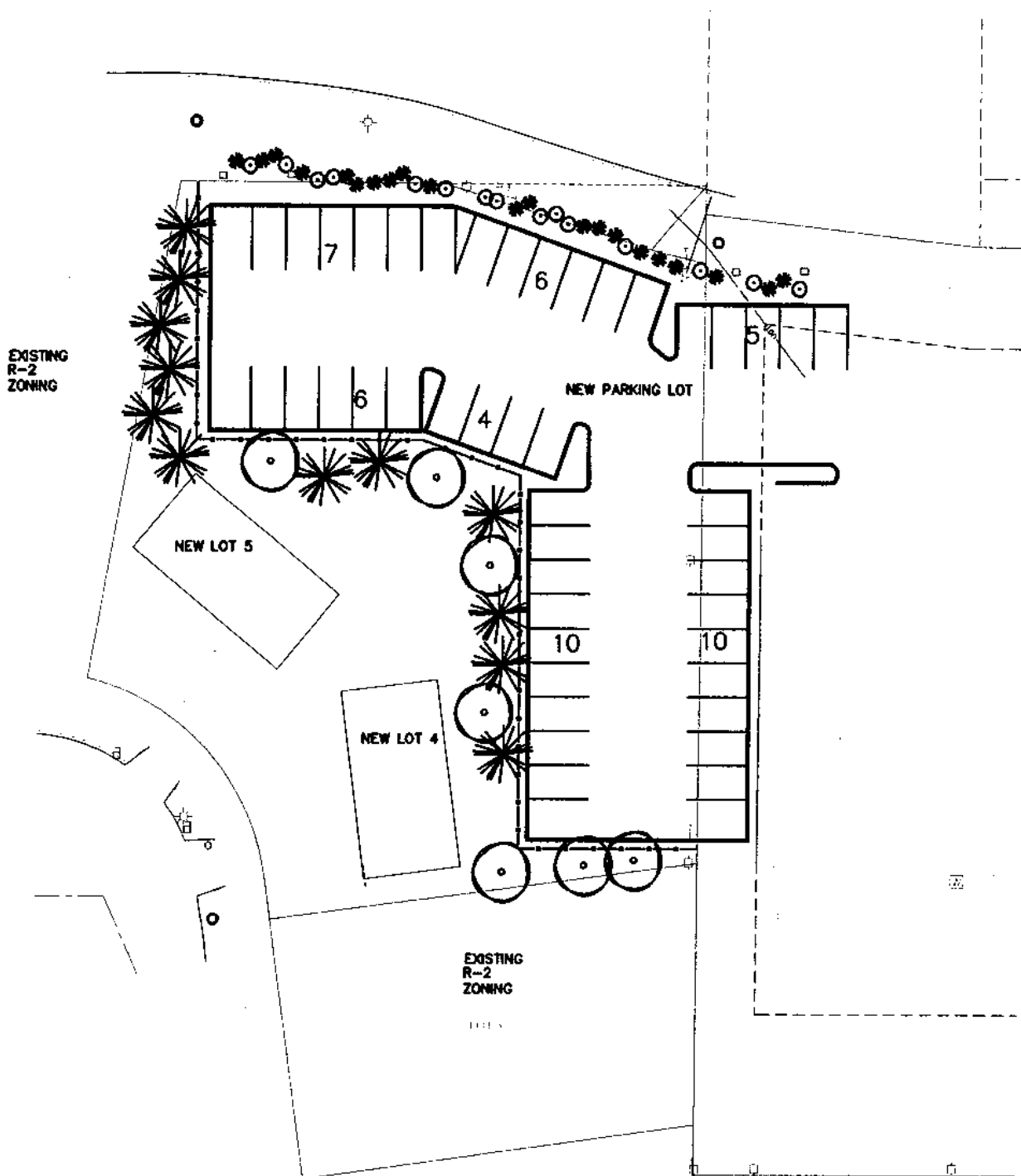
NEED A WAIVER OF REAR YARD SETBACK ON LOT 5

NEED A WAIVER OF THE FRONT YARD SETBACK
AND SCREENING REQUIREMENTS FOR 0-3 AREA

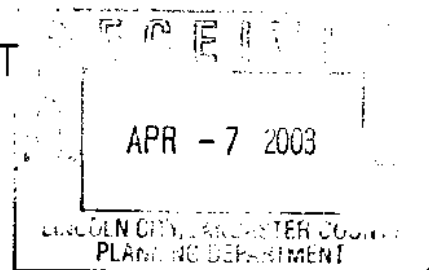
NEED TO RECALCULATE DRAINAGE REQUIREMENTS

NEED A WAIVER OF SIDE YARD SETBACK ON 0-3 AREA



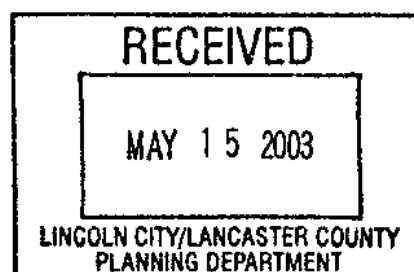


DRAWING SHOWING DESIRED RESULT



LEGAL DESCRIPTION:

ALL OF LOTS 4 AND 5, BLOCK 1, MAPLE VILLAGE, AS PLATTED IN THE CITY OF LINCOLN, NEBRASKA AND ALL OF LOTS 59, 60 AND 61, IRREGULAR TRACTS IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE SIXTH P.M., LANCASTER COUNTY, NEBRASKA AND ALSO BEING IN THE CITY OF LINCOLN, NEBRASKA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 59; THENCE N89°53'28"W (ASSUMED BEARING) ON THE SOUTH LINE OF SAID LOT 59, A DISTANCE OF 334.81 FEET TO THE SOUTHWEST CORNER OF SAID LOT 59; THENCE N89°54'45"W ON THE SOUTH LINE OF SAID LOTS 60 AND 61, A DISTANCE OF 353.81 FEET TO THE SOUTHWEST CORNER OF SAID LOT 61; THENCE N00°27'04"E ON THE WEST LINE OF SAID LOT 61, A DISTANCE OF 77.29 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE S82°30'04"W ON THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 108.11 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N07°34'02"W ON THE WEST LINE OF SAID LOT 4, A DISTANCE OF 10.00 FEET TO A POINT OF CURVATURE; THENCE ON A 59.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 30.31 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5, THE CHORD OF SAID CURVE BEARS N21°43'20"W, A DISTANCE OF 29.98 FEET; THENCE ON THE SOUTH LINE OF SAID LOT 5 AND CONTINUING ON A 59.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 40.78 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5, THE CHORD OF SAID CURVE BEARS N56°14'24"W, A DISTANCE OF 39.97 FEET; THENCE N10°17'33"E ON THE WEST LINE OF SAID LOT 5, A DISTANCE OF 125.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE S89°48'44"E ON THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 66.15 FEET; THENCE S72°32'42"E CONTINUING ON SAID NORTH LINE, A DISTANCE OF 54.39 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE S76°14'24"E ON THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 14.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT ALSO BEING ON THE WEST LINE OF SAID LOT 61; THENCE N00°27'04"E ON SAID WEST LINE, A DISTANCE OF 12.20 FEET TO THE NORTHWEST CORNER OF SAID LOT 61; THENCE S83°26'44"E ON THE NORTH LINE OF SAID LOT 61, A DISTANCE OF 68.83 FEET; THENCE CONTINUING ON SAID NORTH LINE S89°57'57"E, A DISTANCE OF 145.44 FEET TO THE NORTHEAST CORNER OF SAID LOT 61; THENCE S89°48'46"E ON THE NORTH LINE OF SAID LOT 60, A DISTANCE OF 140.67 FEET TO THE NORTHEAST CORNER OF SAID LOT 60; THENCE S89°56'21"E ON THE NORTH LINE OF SAID LOT 59, A DISTANCE OF 200.63 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ON SAID NORTH LINE AND ON A 95.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 77.05 FEET TO A POINT OF REVERSE CURVATURE, THE CHORD OF SAID CURVE BEARS S66°39'20"E, A DISTANCE OF 74.96 FEET; THENCE CONTINUING ON SAID NORTH LINE AND ON A 59.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 71.30 FEET TO THE NORTHEAST CORNER OF SAID LOT 59, THE CHORD OF SAID CURVE BEARS S77°51'39"E, A DISTANCE OF 67.04 FEET; THENCE S00°50'22"W ON THE EAST LINE OF SAID LOT 59, A DISTANCE OF 187.28 FEET TO THE POINT OF BEGINNING, CONTAINING 4.11 ACRES (179,068.84 SQUARE FEET), MORE OR LESS.



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March 27, 2003

Marvin Krout
Director of Planning
555 S. 10th Street
Lincoln, NE 68508

Re: Application for Planned Unit Development
81st & O Streets

Dear Mr. Krout:

Attached is a site plan and accompanying information, together with an application for a planned unit development which incorporates the office buildings previously approved under Use Permit No. 110 and Use Permit No. 136. The purpose of this application is to incorporate two large residential lots which lie immediately west of the previously approved office buildings, and to use a portion of those residential lots to expand the parking available for the west office building. The increased parking is necessitated by the success and rapid growth of one of the tenants in the building. As you will note from the drawings, the proposal is to reduce the size of the residential lots, screen and protect the rear yards from O Street traffic and the abutting parking lot, and use the remainder of the lots to expand the office building parking by approximately 45 stalls.

Consistency with the Comprehensive Plan

This Planned Unit Development is consistent with the Comprehensive Plan. The office buildings are already shown as commercial, and approved by their own separate use permits. Inclusion of the two buildings and these additional lots within a PUD represents a minuscule deviation from the Approved Land Use Map. It is a very slight deviation from what could be otherwise done in the residential zoning district. Provision of additional parking to facilitate the growth of an existing business, while providing a better buffer between the residential use and the heavy traffic of O Street, should be an overall improvement to the area. Moreover, the owner of the office building has acquired both of the houses which will be directly affected, and intends to take all necessary measures to preserve the value of those homes as single-family residences.

Marvin Krout
March 27, 2003
Page 2

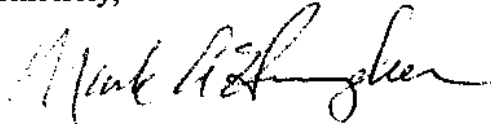
Request to waive the Preliminary Plan

Because this project is largely complete before the application is submitted, we request a waiver of the preliminary PUD. We have had several meetings with Ray Hill regarding this project and have worked carefully with him to delineate both the change of zone areas and the reconfiguration of the residential lots.

In addition to waivers previously approved for Use Permits 110 and 136, we request a waiver of the joint yard setback for the parking along O Street as shown on the site plan, as well as a reduction in the minimum lot size rear yard requirements for the two single-family residential lots, and front, side and rear yard requirements for the new parking, as shown on the site plan. The density of the residential component of this PUD will meet the requirement of the R-2 Residential District.

If you require additional information, please contact my office, or Robert Schoenleber, the architect for the project. Thank you for your consideration.

Sincerely,



Mark A. Hunzeker
For the Firm

MAH:ja
Enclosures